

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:06CR3096
)	
v.)	
)	
TIFFANY MORENO,)	TENTATIVE FINDINGS ON OBJECTIONS
)	TO PRESENTENCE INVESTIGATION
Defendant.)	REPORT
)	

The defendant has objected to paragraph 22 on the ground that it overstates the drugs attributable to Moreno. She objects to paragraph 23 on the ground that she did not know any specific amount of methamphetamine supposedly hidden in the house shared by Moreno and Gonzalez-Soto. Paragraph 23 counts four pounds of methamphetamine as attributable to Moreno.

The defendant objects to paragraph 31, which adds two points for an allegation that Ms. Moreno delivered several firearms to Rene Hernandez. She denies that she delivered firearms to Hernandez, saying that Larry Wells delivered the firearms to Hernandez, not Moreno.

An evidentiary hearing will be necessary to resolve the issues arising from the objections. The defendant's objections to paragraphs 35, 37, 39, and 71 are related to the objections insofar as they are calculations based in part upon the assertions of paragraphs 22, 23, and 31. If any of the objections to paragraphs 22, 23, or 31 is sustained, the calculations resting on the paragraphs to which objection is sustained will be automatically recalculated.

The defendant has also filed a Motion for Downward Departure/Deviation because of claimed spousal abuse witnessed by her as a child, encouragement of alcohol and drug use, physical child abuse, verbal and emotional child abuse, and effects of childbirth while she was on her own.

The defendant estimates that the time necessary for receipt of testimony on the objections to be about 45 minutes. No mention has been made of evidence to support the grounds for departure.

IT IS ORDERED that:

1. those portions of the Presentence Investigation Report to which no objection has been made are found to be true and accurate;
2. an evidentiary hearing shall be held at the time of the sentencing regarding the objections to paragraphs 22, 23, and 31;
3. because the Order on Sentencing Schedule, filing 21, requires the detailing of evidence to be offered in support of or in opposition to a motion or in support of or in opposition to an objection, whether by document or by oral testimony, each party must comply with that requirement no later than November 14, 2006, in the absence of which no evidence shall be received by document or live testimony.

Dated November 7, 2006.

BY THE COURT

s/ Warren K. Urbom
United States Senior District Judge